



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1856

Introduced 2/9/2011, by Sen. Kyle McCarter

#### SYNOPSIS AS INTRODUCED:

605 ILCS 5/4-510

from Ch. 121, par. 4-510

Amends the Illinois Highway Code. In a provision providing that the Illinois Department of Transportation may establish the approximate locations and widths of rights of way for future additions to the State highway system to inform the public and prevent costly and conflicting development of the land involved, requires the filing of an environmental impact study along with a notice of approval of the map and a copy of the map in the office of the recorder for all counties where the land needed for future additions is located. Requires the Department to hold public hearings to discuss the viability and feasibility of each protected corridor not more than 10 years after the protected corridor is established in accordance with the provisions of the Code, and not later than the expiration of each 10-year period after the establishment of the protected corridor. Requires the Department to give due consideration to the information obtained at that hearing and to abolish the protected corridor if construction of the roadway is no longer feasible. Effective immediately.

LRB097 10078 HEP 50255 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Highway Code is amended by changing  
5 Section 4-510 as follows:

6 (605 ILCS 5/4-510) (from Ch. 121, par. 4-510)

7 Sec. 4-510. The Department may establish presently the  
8 approximate locations and widths of rights of way for future  
9 additions to the State highway system to inform the public and  
10 prevent costly and conflicting development of the land  
11 involved.

12 The Department shall hold a public hearing whenever  
13 approximate locations and widths of rights of way for future  
14 highway additions are to be established. The hearing shall be  
15 held in or near the county or counties where the land to be  
16 used is located and notice of the hearing shall be published in  
17 a newspaper or newspapers of general circulation in the county  
18 or counties involved. Any interested person or his  
19 representative may be heard. The Department shall evaluate the  
20 testimony given at the hearing.

21 The Department shall make a survey and prepare a map  
22 showing the location and approximate widths of the rights of  
23 way needed for future additions to the highway system. The map

1 shall show existing highways in the area involved and the  
2 property lines and owners of record of all land that will be  
3 needed for the future additions and all other pertinent  
4 information. Approval of the map with any changes resulting  
5 from the hearing shall be indicated in the record of the  
6 hearing, and a notice of the approval, ~~and~~ a copy of the map,  
7 and an environmental impact study shall be filed in the office  
8 of the recorder for all counties in which the land needed for  
9 future additions is located.

10 Public notice of the approval and filing shall be given in  
11 newspapers of general circulation in all counties where the  
12 land is located and shall be served by registered mail within  
13 60 days thereafter on all owners of record of the land needed  
14 for future additions.

15 The Department may approve changes in the map from time to  
16 time. The changes shall be filed and notice given in the manner  
17 provided for an original map.

18 After the map is filed and notice thereof given to the  
19 owners of record of the land needed for future additions, no  
20 one shall incur development costs or place improvements in,  
21 upon or under the land involved nor rebuild, alter or add to  
22 any existing structure without first giving 60 days notice by  
23 registered mail to the Department. This prohibition shall not  
24 apply to any normal or emergency repairs to existing  
25 structures. The Department shall have 45 days after receipt of  
26 that notice to inform the owner of the Department's intention

1 to acquire the land involved; after which, it shall have the  
2 additional time of 120 days to acquire such land by purchase or  
3 to initiate action to acquire said land through the exercise of  
4 the right of eminent domain. When the right of way is acquired  
5 by the State no damages shall be allowed for any construction,  
6 alteration or addition in violation of this Section unless the  
7 Department has failed to acquire the land by purchase or has  
8 abandoned an eminent domain proceeding initiated pursuant to  
9 the provisions of this paragraph.

10 Any right of way needed for additions to the highway system  
11 may be acquired at any time by the State or by the county or  
12 municipality in which it is located. The time of determination  
13 of the value of the property to be taken under this Section for  
14 additions to the highway system shall be the date of the actual  
15 taking, if the property is acquired by purchase, or the date of  
16 the filing of a complaint for condemnation, if the property is  
17 acquired through the exercise of the right of eminent domain,  
18 rather than the date when the map of the proposed right-of-way  
19 was filed of record. The rate of compensation to be paid for  
20 farm land acquired hereunder by the exercise of the right of  
21 eminent domain shall be in accordance with Section 4-501 of  
22 this Code.

23 Not more than 10 years after a protected corridor is  
24 established under this Section, and not later than the  
25 expiration of each succeeding 10 year period, the Department  
26 shall hold public hearings to discuss the viability and

1 feasibility of the protected corridor. The Department shall  
2 give due consideration to the information obtained at the  
3 hearing and, if construction of the roadway is no longer  
4 feasible, shall abolish the protected corridor.

5 (Source: P.A. 91-357, eff. 7-29-99.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.